

Appl. No. : 10/017,915
Filed : December 11, 2001

REMARKS

In response to the Office Action mailed February 26, 2003, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 1-46 remain pending. Claims 1, 6, 7 and 20 have been amended, and new Claims 23-46 have been added.

The amended claims are shown on a separate set of pages attached hereto and entitled **VERSION WITH MARKINGS TO SHOW CHANGES MADE**, which follows the signature page of this Amendment. On this set of pages, the insertions are double underlined while the deletions are struck through.

In the Office Action mailed February 26, 2003, the Examiner rejected Claims 1-5, 12-15, 20 and 21 under 35 U.S.C. § 102(b) as being anticipated by Hara, JP 02-126847 (hereinafter "Hara"). The Examiner also rejected Claim 20 for indefiniteness under 35 U.S.C. § 112, second paragraph, and objected to Claims 6-11 and 16-19 as being dependent from a rejected base claim while indicating that these claims would be allowable if rewritten in independent form.

Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected Claims 1-5, 12-15, 20 and 21 under 35 U.S.C. § 102(b) as being anticipated by Hara.

Applicant has amended independent Claims 1, thereby mooting the Examiner's rejections over the prior art. For example, Claim 1 now recites:

1. (AMENDED) An accommodating intraocular lens for implantation in an eye having an optical axis, said lens comprising:
 - an anterior portion comprising:
 - an anterior viewing element having a periphery and comprised of an optic having refractive power;
 - an anterior biasing element comprising first and second anterior translation members extending from the anterior viewing element;
 - a posterior portion comprising:
 - a posterior viewing element having a periphery, said posterior viewing element in spaced relationship to said anterior viewing element;
 - a posterior biasing element comprising first and second posterior translation members extending from the posterior viewing element;
 - said first anterior translation member and said first posterior translation member meeting at a first apex of said intraocular lens, and said second anterior translation member and said second posterior translation member meeting at a second apex of the intraocular lens, such that force on said anterior portion and said posterior portion causes the separation between said viewing elements to change;
 - wherein said first anterior translation member is attached to said anterior viewing element at first and second spaced attachment locations, each of

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the first and second attachment locations being significantly further away from the first apex than the periphery of the anterior viewing element is from the first apex.

Hara fails to teach or suggest the combination of features recited in amended Claim 1, including, for example, those features relating to the attachment of the anterior translation member to the anterior viewing element at first and second spaced attachment locations. Hara instead teaches a lens system in which each loop 16 is connected to the lens 12/14 at a single location. See Hara at Figs. 1-5.

For these reasons, Applicant respectfully submits that Claim 1 is in condition for allowance over the prior art of record.

Rejections Under 35 U.S.C. § 112

The Examiner rejected Claim 20 for indefiniteness under 35 U.S.C. § 112, second paragraph. Applicant has amended Claim 20 in a manner believed to cure the indefiniteness noted by the Examiner, and therefore respectfully submits that this rejection should be reconsidered and withdrawn.

Allowable Subject Matter

The Examiner objected to Claims 6-11 and 16-19 as being dependent from a rejected base claim while indicating that these claims would be allowable if rewritten in independent form. Applicant has rewritten Claims 6 and 7 in independent form, while Claims 8-11 remain dependent from Claim 7. Applicant therefore respectfully submits that Claims 6-11 are in condition for allowance.

Dependent Claims/New Claims

In light of the preceding, Applicant respectfully submits that dependent Claims 2-5 and 12-22 are also allowable over the prior art of record, by virtue of their dependence from allowable base claims, as well as their recitation of novel and unobvious combinations of features and/or acts. New Claims 23-46 are presented herein and are also believed to be allowable over the prior art of record.

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Supplemental Information Disclosure Statement

Applicant submits herewith a Supplemental Information Disclosure Statement citing a number of additional references for consideration by the Examiner.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: May 23, 2003

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1, 6, 7 and 20 have been amended as follows:

1. (AMENDED) An accommodating intraocular lens for implantation in an eye having an optical axis, said lens comprising:

an anterior portion comprising:

an anterior viewing element having a periphery and comprised of an optic having refractive power;

an anterior biasing element comprising first and second anterior translation members extending from the anterior viewing element;

a posterior portion comprising:

a posterior viewing element having a periphery, said posterior viewing element in spaced relationship to said anterior viewing element;

a posterior biasing element comprising first and second posterior translation members extending from the posterior viewing element;

said first anterior translation member and said first posterior translation member meeting at a first apex of said intraocular lens, and said second anterior translation member and said second posterior translation member meeting at a second apex of the intraocular lens, such that force on said anterior portion and said posterior portion causes the separation between said viewing elements to change;

wherein ~~each of said~~ first anterior translation members is attached to ~~one of said~~ anterior viewing elements at ~~at least one~~ first and second spaced attachment locations, all each of the first and second attachment locations being significantly further away from the first apexapices than the peripheries periphery of the anterior viewing elements ~~are is~~ from the first apexapices.

6. (AMENDED) An accommodating intraocular lens for implantation in an eye having an optical axis, said lens comprising:

an anterior portion comprising:

an anterior viewing element having a periphery and comprised of an optic having refractive power;

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an anterior biasing element comprising first and second anterior translation members extending from the anterior viewing element;
a posterior portion comprising:

a posterior viewing element having a periphery, said posterior viewing element in spaced relationship to said anterior viewing element;

a posterior biasing element comprising first and second posterior translation members extending from the posterior viewing element;

said first anterior translation member and said first posterior translation member meeting at a first apex of said intraocular lens, and said second anterior translation member and said second posterior translation member meeting at a second apex of the intraocular lens, such that force on said anterior portion and said posterior portion causes the separation between said viewing elements to change;

wherein each of said translation members is attached to one of said viewing elements at at least one attachment location, all of the attachment locations being significantly further away from the apices than the peripheries of the viewing elements are from the apices;

~~The lens of Claim 1,~~ wherein at least one of said first and second anterior translation members comprises a left arm and a right arm connected to said anterior viewing element at corresponding attachment locations.

7. (AMENDED) An accommodating intraocular lens for implantation in an eye having an optical axis, said lens comprising:

an anterior portion comprising:

an anterior viewing element having a periphery and comprised of an optic having refractive power;

an anterior biasing element comprising first and second anterior translation members extending from the anterior viewing element;

a posterior portion comprising:

a posterior viewing element having a periphery, said posterior viewing element in spaced relationship to said anterior viewing element;

a posterior biasing element comprising first and second posterior translation members extending from the posterior viewing element;

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said first anterior translation member and said first posterior translation member meeting at a first apex of said intraocular lens, and said second anterior translation member and said second posterior translation member meeting at a second apex of the intraocular lens, such that force on said anterior portion and said posterior portion causes the separation between said viewing elements to change;

wherein each of said translation members is attached to one of said viewing elements at at least one attachment location, all of the attachment locations being significantly further away from the apices than the peripheries of the viewing elements are from the apices;

~~The lens of Claim 1,~~ wherein said first anterior translation member comprises a left arm and a right arm connected to said anterior viewing element at corresponding attachment locations, said attachment locations of said left and right arms of said first anterior translation member being located equidistant from said first apex.

20. (AMENDED) The lens of Claim 1, wherein:

~~said first anterior translation member and said first posterior translation member meet at a first apex;~~

~~said second anterior translation member and said second posterior translation member meet at a second apex;~~

said viewing elements having a range of motion that includes an accommodated and an unaccommodated position; and

said lens further comprises first and second biasers located near said first and second apices, respectively, and configured to bias said viewing elements toward one of said accommodated position and said unaccommodated position;.